

REMARKS

This Amendment responds to the Office Action mailed on September 7, 2007. Claims 2-22, 24-26 and 28 are amended to correct a typographical error in claim 28 and to correct an antecedent basis issue in the preamble. Claims 23 and 27 are cancelled. Reconsideration is respectfully requested.

Examiner's Interview

The undersigned thanks Examiners Dalencourt and Kim for the courtesies extended during an interview on January 23, 2008. During the interview, the pending claims and cited Wenzel (U.S. 7,139,829) and Suzuki (U.S. 7,126,924) references were discussed. The remarks contained herein further summarize the interview.

Rejections Under 35 U.S.C. § 103

Claims 1-99 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wenzel and Suzuki. These rejections are respectfully traversed for at least the following reasons.

Rejection of claim 1-28:

Independent claim 1 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wenzel in view of Suzuki. However, the rejection of claim 1 fails to address the Suzuki reference. During the January 23, 2008 interview, Examiner Kim indicated that he mistakenly omitted the Suzuki reference from the rejection of claim 1. The rejection of claim 1 therefore fails to make out a *prima facie* rejection and must be withdrawn.

Further, a proper rejection of claim 1 could not be made because claim 1 is patentably distinct from the Wenzel and Suzuki references. As discussed during the January 23 interview, neither Wenzel nor Suzuki teaches or suggests a (1) a PDSN that includes an inactivity timer and

that is operable to set the inactivity timer to an inactivity timer starting value and send a starting value estimate to the mobile station over a wireless communication link, or (2) a mobile station that includes an inactivity timer estimate and that is operable to receive the starting value estimate, set the inactivity timer estimate to the starting value estimate and reset the inactivity timer to the starting value estimate when the mobile station communicates with the APN. As explained in the specification with reference to Fig. 3, the inactivity timer estimate in the mobile station may be a timing device that is set to estimate the value of the inactivity timer in the PDSN. In this way, the timer in the mobile station may approximate the timer in the PDSN. Clearly, nothing similar to this is described in either the Wenzel or Suzuki references.

The Wenzel reference describes a packet data network that includes an inactivity timer in the PDSN. In particular, the Wenzel reference at column 9 explains that the PDSN generates a “ping” to the mobile terminal upon expiration of the inactivity timer. If the mobile station does not respond to the “ping”, then the PDSN may tear down the point-to-point protocol communication link with the mobile terminal to release the network resources. The Wenzel reference does not, however, contemplate that an estimate of the starting value of the inactivity timer on the PDSN could be wirelessly transmitted to the mobile station to set and reset a separate inactivity timer on the mobile station.

The Suzuki reference describes a mobile station that includes an inactivity timer, which is used to put the mobile station into a dormant state during periods of inactivity. However, the Suzuki reference does not contemplate setting or resetting the inactivity timer on the mobile station using an estimate of the starting value of an inactivity timer on the PDSN. Accordingly, neither of the Wenzel or Suzuki references disclose the elements of claim 1 relating to the

transmission of a starting value estimate from the PDSN to the mobile station or the use of the starting value estimate to set and reset an inactivity timer estimate on the mobile station.

In addition, the Applicant disagrees with the “Official Notice” taken by the Office Action in the rejection of dependent claim 9. Specifically, the Office Action takes “Official Notice” that it is obvious that the IP Control Protocol must reach the opened state for a PDSN to send the starting value estimate to the mobile station. The Applicant submits that this is not true, and that a starting value estimate could also be sent to the mobile station in other ways.

For at least the above reasons, the Applicant submits that independent claim 1 and its dependent claims are patentably distinct from the Wenzel and Suzuki references and are therefore in condition for allowance.

Rejection of claims 29-37:

The Office Action also fails to address the relevance of the Suzuki reference in its rejection of independent claim 29. The Office Action thus fails to establish a *prima facie* rejection of claim 29, and the rejection must be withdrawn.

Further, a proper rejection under 35 U.S.C. § 103(a) could not be made with respect to claim 29 because, among other distinctions, neither the Wenzel or Suzuki reference teaches or suggests the claimed method steps of “sending a starting value estimate from the APN to the mobile station that is a function of the inactivity timer starting value [of the inactivity timer in the APN]”, “setting an inactivity timer estimate in the mobile station to the starting value estimate,” or “if data traffic is detected, resetting the inactivity timer estimate in the mobile station to the starting value estimate and resetting the inactivity timer in the APN to the inactivity timer starting value.” As explained above with reference to the rejection of claim 1, neither the Wenzel or Suzuki references teach the transmission of a starting value estimate from a network

device to the mobile station or the use of the starting value estimate to set or reset an inactivity timer estimate on the mobile station. Accordingly, claim 29 and its dependent claims are patentably distinct from the cited references and are in condition for allowance.

Rejection of claims 38-42:

The Applicant submits that independent claim 38 is patentable over the cited Wenzel and Suzuki references because neither reference teaches or suggests a mobile station module that sets and resets a timer value to a starting value timer estimate that is received from the PDSN, where the starting value timer estimate is a function of an inactivity timer starting value that is used to set an inactivity timer on the PDSN. As explained above with reference to the rejection of claim 1, although the cited Suzuki reference describes a mobile station with an inactivity timer, neither of the cited references suggest setting a timer on the mobile station based on a starting value timer estimate received from the PDSN. Accordingly, claim 38 and its dependent claims are patentable over the cited references and are in condition for allowance.

Rejection of claim 43:

The Office Action again fails to address the relevance of the Suzuki reference in its rejection of independent claim 43. The Office Action thus fails to establish a *prima facie* rejection of claim 43, and the rejection must be withdrawn.

Further, a proper rejection under 35 U.S.C. § 103(a) could not be made because neither of the cited references teach or suggest a PDSN that is “operable to send the starting value estimate over the wireless communication link to the mobile station, wherein the starting value estimate is a function of the inactivity timer starting value.” As explained above, the Wenzel reference teaches a PDSN having an inactivity timer; however, neither of the cited references suggest transmitting an estimate of the starting value for the inactivity timer in the PDSN over a wireless

link to the mobile station for use in setting an inactivity timer estimate on the mobile station. For at least this reason, the Applicant submits that claim 43 is patentable over the cited references and is in condition for allowance.

Rejection of claim 44:

The Office Action also fails to address the relevance of the Suzuki reference in its rejection of independent claim 44. The Office Action thus fails to establish a *prima facie* rejection of claim 44, and the rejection must be withdrawn.

Further, a proper rejection could not be made with respect to claim 44 because neither of the cited references teach or suggest the claimed method steps of “transmitting a starting value estimate over a wireless communication link to the mobile station... wherein the starting value estimate is a function of the inactivity timer starting value; and wherein the mobile station is operable to set an inactivity timer estimate to the starting value estimate and reset the inactivity timer estimate to the starting value estimate when the mobile station transmits data to the APN.” As explained above, the Wenzel reference teaches a PDSN having an inactivity timer, and the Suzuki reference discloses a mobile station with an inactivity timer. However, neither of the cited references suggest transmitting an estimate of the starting value for the inactivity timer in the PDSN over a wireless link to the mobile station for use in setting an inactivity timer estimate on the mobile station. For at least this reason, the Applicant submits that claim 44 is patentable over the cited references and is in condition for allowance.

Rejection of claims 45-61:

Independent claim 45 stands rejected under 35 U.S.C. § 103(a) based on the Wenzel and Suzuki references; however, the Office Action fails to address the relevance of either reference. Rather, the rejection of claim 45 simply states that “Wenzel does not explicitly teach the PDSN

has an inactivity timer configured to start upon the PDSN entering a packet data session, or a transceiver configured to send a starting value estimate that is a function of an inactivity timer starting value.” The Office Action then takes “Official notice” that these features are obvious. Specifically, the Office Action concludes, with no explanation, that “‘Official Notice’ is taken that an always-on PDSN in a CDMA2000 network consists of a processor coupled to [a] transceiver, the processor configured to monitor the always-on wireless communication link between the mobile station and the PDSN for data traffic between the mobile station and the PDSN and an always-on PDSN module coupled to the processor and the inactivity timer, the always-on module configured to reset the inactivity timer to the inactivity timer starting value if [the] processor detects data traffic.” Clearly, this is an impermissible use of “Official Notice.” *See*, MPEP 2144.03 (“It is never appropriate to rely solely on ‘common knowledge’ in the art without evidentiary support in the record, as the principle evidence upon which a rejection was based.”) In this case, the Office Action fails to find any limitations of claim 45 in the cited prior art, but relies on “Official Notice” as the sole basis for the rejection. The rejection of claim 45 is therefore improper and cannot stand.

Further, a proper rejection of claim 45 could not be made because neither of the cited references teach or suggest a PDSN having a transceiver that is configured to send a starting value estimate over a wireless communication link to a mobile station. As explained above with reference to the rejection of claim 1, neither the Wenzel or Suzuki reference suggests the wireless transmission of a starting value estimate from a PDSN to a mobile station, where the starting value estimate has a value that is a function of an inactivity timer starting value for an inactivity timer in the PDSN. For at least the above reasons, the Applicant submits that claim 45

and its dependent claims are patentably distinct from the cited references and are in condition for allowance.

Rejection of claims 62-73:

The Office Action again fails to address the relevance of the Suzuki reference in its rejection of independent claim 62. The Office Action thus fails to establish a *prima facie* rejection of claim 62, and the rejection must be withdrawn.

Further, a proper rejection of independent claim 62 under 35 U.S.C. § 103(a) could not be made because neither of the cited references teach or suggest the claimed method step of “sending a starting value estimate that is a function of an inactivity timer,” as explained above. The Applicant therefore submits that claim 62 and its dependent claims are patentable over the cited references and are in condition for allowance.

Rejection of claims 74-99:


The Applicant submits that independent claims 74 and 91 are patentable over the cited Wenzel and Suzuki references because neither reference teaches or suggests a mobile station that receives a starting value estimate over a wireless communication link and uses the starting value estimate to set an inactivity timer on the mobile station. As explained above with reference to the rejection of claim 1, although the Suzuki reference describes a mobile station with an inactivity timer, neither of the cited references suggest setting an inactivity timer on the mobile station based on a received starting value estimate. Accordingly, independent claims 74 and 91, along with their respective dependent claims, are patentably distinct from the cited references and are in condition for allowance.

Conclusion

For at least the above reasons, the Applicants submit that claims 1-22, 24-26 and 28-99 are patentable over the cited prior art and are in condition for allowance. The Examiner is therefore respectfully requested to pass this case to issue.

Respectfully submitted,

JONES DAY



Joseph M. Sauer (Reg. No. 47,919)
Jones Day
North Point, 901 Lakeside Avenue
Cleveland, Ohio 44114
(216) 586-7506